



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENDA JO RILEY,

Defendant.

Magistrate Case No. 02mg2391

FINDINGS OF FACT AND ORDER OF
DETENTION

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), a detention hearing was held on October 24, 2002, to determine whether Defendant BRENDA JO RILEY should be held in custody pending trial on the grounds that he is a flight risk. Assistant U. S. Attorney Jason A. Forge appeared on behalf of the United States; attorney Roland Haddad, retained counsel, appeared on behalf of the Defendant.

Based on the evidence proffered by the United States and the Defendant, the pretrial services report, and the indictment returned against the Defendant out of the Central District of California on August 28, 2002, the Court concludes that the following facts establish by (1) a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required; and (2) by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of the community.

\
\

I

FINDINGS OF FACTA. Nature and Circumstances of the Offense Charged (18 U.S.C. §3142(G)(1))

1. The Defendant is charged in an indictment out of the Central District of California with the offense of Racketeer Influenced and Corrupt Organizations Conspiracy, in violation of 21 U.S.C. § 1962(d). Therefore, there exists probable cause to believe the Defendant committed the charged offense.

2. The charged offense is a crime of violence in that the alleged overt acts include 13 murders, 6 attempted murders, 2 conspiracies to distribute narcotics, 3 conspiracies to commit murder, and 1 solicitation to commit murder. Thus, there arises a presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required or the safety of the community. See 18 U.S.C. § 3142(e).

B. History and Characteristics of the Defendant (18 U.S.C. § 3142(G)(3))

1. The Defendant is a citizen of United States.
2. Defendant has lived in San Diego most of her life.
3. Defendant is a licensed nurse LVN.
4. Defendant has not submitted any information establishing employment or financial resources.
5. Defendant lives with her mother and her two children, one of whom is 11 years old.
6. During the search of defendant's residence, and specifically defendant's bedroom, agents discovered the following items: user quantities of methamphetamine; a quarter-pound of methamphetamine (which the Court deems a distributable quantity); pay-and-owe sheets; a sawed-off shotgun; and a revolver. Agents also noted numerous cameras outside defendant's residence and monitors in defendant's bedroom, indicating defendant was interested in protecting the drugs inside her residence.

II

REASONS FOR DETENTION

A. There is probable cause to believe that Defendant committed the offense charged in the indictment, namely, Racketeer Influenced and Corrupt Organizations Conspiracy, in violation of 21 U.S.C. § 1962(d).

B. The charged conspiracy includes the following alleged overt acts: 13 murders, 6 attempted murders, 2 conspiracies to distribute narcotics, 3 conspiracies to commit murder, and 1 solicitation to commit murder. Based on the indictment, there is probable cause to believe the intended victim for the solicitation to commit murder was targeted because of his perceived mistreatment of defendant.

C. Based on the indictment, there is probable cause to believe that defendant is an associate of the Aryan Brotherhood prison gang; that defendant communicated to Aryan Brother members information about government witnesses; and that defendant is involved with other communications with Aryan Brotherhood members, concerning Aryan Brotherhood activities.

III

ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial in this matter.

IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

22 \

23 \

24 \

25 \

26 \

27 \

28 \

1 While in custody, upon order of a court of the United States or upon the request of an attorney
2 for the United States, the person in charge of the correctional facility shall deliver the Defendant to the
3 United States Marshal for the purpose of an appearance in connection with a court proceeding or any
4 other appearance stipulated to by defense and government counsel.

5 THIS ORDER IS ENTERED WITHOUT PREJUDICE.

6 IT IS SO ORDERED.

7 DATED:
8
9
10
11

12 JOHN A. HOUSTON
13 UNITES STATES MAGISTRATE JUDGE

14 Prepared by:

15 CAROL C. LAM
16 United States Attorney

17
18 Jason A. Forge
19 Assistant U. S. Attorney

20 cc: Roland Haddad
21
22
23
24
25
26
27
28